



CLOSED CASE SUMMARY

ISSUED DATE: NOVEMBER 13, 2024

FROM: DIRECTOR GINO BETTS 
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2023OPA-0274

Allegations of Misconduct & Director's Findings

Named Employee #1

| Allegation(s): | | Director's Findings |
|----------------|--|---------------------------|
| # 1 | 5.001 - Standards and Duties POL-10. Employees Will Strive to be Professional. | Not Sustained - Unfounded |

This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.

EXECUTIVE SUMMARY:

An anonymous Complainant alleged Named Employee #1 (NE#1) was unprofessional by "cursing," "making disparaging remarks," and "charging at," another employee, Witness Officer #1 (WO#1). The Complainant wrote that a supervisor, Witness Supervisor #1 (WS#1), had to physically restrain NE#1 to prevent "further escalation."

ADMINISTRATIVE NOTE:

On September 29, 2023, the Office of Inspector General (OIG) certified OPA's investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

OPA received an anonymous, web-based Complaint alleging that on May 28, 2023:

During rollcall, [NE#1] suddenly confronted [WO#1] cursing making disparaging remarks charging at him appearing to prepare to assault him waving her hand within several inches of his face berating him in front of several other officers in rollcall including [WS#1]. She ultimately had to be physically restrained by [WS#1] to prevent any further escalation on her part.

OPA opened an investigation. During its investigation, OPA reviewed the web-based complaint and interviewed NE#1, WO#1, and WS#1.



a. OPA Interview – NE#1

OPA interviewed NE#1. NE#1 disputed the date of incident provided by the Complainant—May 28, 2023—stating that the only incident between herself and WO#1 occurred around June 4, 2023. NE#1 stated she was unsure of the exact date.

NE#1 described the incident occurring in the hallway—not at roll call, as alleged by the Complainant. NE#1 recalled that she was getting her body-worn video as WO#1 was speaking with other officers. NE#1 stated WO#1 described an incident in which he almost saved a person at the beach using a “Water Rescue Throw Bag.” NE#1 stated she made a joke about how the victim had to save themselves. NE#1 stated WO#1 did not take the comment as a joke and charged at her. NE#1 stated she put her hand up and told WO#1 to calm down. NE#1 stated WO#1 responded by slapping her hand away. NE#1 stated she told WO#1 not to touch her, then started walking away. NE#1 stated at that time, WS#1 approached and asked what was going on.

NE#1 characterized the Complainant’s allegation as completely incorrect, noting she had no intent of assaulting WO#1, she did not charge at WO#1, and she did not make any disparaging remarks about WO#1. NE#1 stated her belief that the Complainant did not actually witness the incident based on the number of inaccurate details.

NE#1 did not characterize WO#1 slapping her hand as a crime or one she would make an arrest for. NE#1 described WS#1 resolving the incident by mediating the dispute between herself and WO#1. NE#1 also said WS#1 followed up with both her and WO#1 separately about a week later. NE#1 said WS#1 offered to refer the issue to OPA, but NE#1 declined and believed that WS#1 provided the best possible resolution to the issue.

NE#1 stated she and WO#1 have worked together cordially and without further incident since that time. NE#1 stated she did not violate the professionalism policy as she did not say anything unprofessional in the first place and then attempted to remove herself from the situation by walking away.

b. OPA Interview – WS#1

OPA interviewed WS#1. WS#1’s description of events was consistent with that provided by NE#1.

WS#1 stated the incident occurred on June 4, 2023, in the hallway and not the roll call room. WS#1 characterized the incident as an argument between two adults.

WS#1 described the incident as not occurring as alleged. WS#1 stated he walked out to the incident as NE#1 was walking away. WS#1 stated NE#1 made some comment in passing that WO#1 took the wrong way. WS#1 stated WO#1 began yelling and approaching NE#1, and NE#1 put her hand on WO#1’s vest carrier to create space between them. WS#1 stated WO#1 the slapped NE#1’s hand away, and NE#1 turned and began walking away. WS#1 recalled telling the officers that they did not have time for this and all three went to roll call. WS#1 denied hearing any disparaging



remarks. When asked whether he had to physically intervene to prevent an assault, WS#1 responded, “absolutely not.”

WS#1 described mediating the dispute between NE#1 and WO#1 after roll call. WS#1 described the discussion as lasting for about an hour. WS#1 stated that, during this conversation, it became clear that WO#1 misinterpreted NE#1’s remark, and WO#1 acknowledged getting upset for no reason. WS#1 stated, after the conversation, both parties stated the incident was concluded. WS#1 described following up with NE#1 multiple times and WO#1 once a week later. WS#1 stated both officers viewed the incident as resolved and had been working together amiably ever since.

WS#1 stated neither officer violated the Department’s professionalism policy. WS#1 stated that the parties are both adults and were arguing in a way that adults sometimes do.

c. OPA Interview – WO#1

OPA interviewed WO#1. WO#1’s statement was consistent with NE#1’s and WS#1’s statements.

WO#1 similarly disputed the details provided in the complaint. WO#1 stated he was having a day where, “anybody could have said anything to me, and I would have gotten a little hot about the situation.” WO#1 did not recall the exact comment that NE#1 said, but noted he did not like the comment. WO#1 denied raising his voice but acknowledged changing his tone. WO#1 described WS#1 coming out and asking what was going on. WO#1 also described WS#1 mediating the dispute after roll call. WO#1 stated the issue was “squashed that day.”

WO#1 described NE#1 putting her hand up to defuse the situation. WO#1 said he brushed NE#1’s hand away. WO#1 denied that NE#1 charged him or threatened him. WO#1 stated nothing NE#1 did was unprofessional.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

5.001 - Standards and Duties POL-10. Employees Will Strive to be Professional.

The Complainant alleged that NE#1 was unprofessional in an interaction with WO#1.

SPD Policy 5.001-POL-10 requires that SPD employees “strive to be professional.” The policy further instructs that “employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers” whether on or off duty. SPD Policy 5.001-POL-10. The policy further states the following: “Any time employees represent the Department or identify themselves as police officers or Department employees, they will not use profanity directed as an insult or any language that is derogatory, contemptuous, or disrespectful toward any person.” *Id.* Lastly, the policy instructs Department employees to “avoid unnecessary escalation of events even if those events do not end in reportable uses of force.” *Id.*



This allegation is unfounded based on the evidence provided. OPA interviewed the principles named in the anonymous complaint. All three parties remembered the incident consistently. The consistent recollection of the incident from the actual parties to the conflict differed in significant respects from the anonymous complaint that OPA received. In the absence of objective evidence, such as video, OPA has no reason to credit the account of an anonymous complainant over three consistent accounts from the three involved parties. As described by the parties, nothing NE#1 did could be interpreted as unprofessional.

Separately, OPA recognizes that WO#1—according to the consistent accounts of NE#1, WS#1, and WO#1—appeared to have lost his temper in a notable way. OPA appreciates WO#1's apparent candor regarding his involvement and state of mind of the date of the incident. Also, OPA also recognizes WS#1's quick intervention, thorough mediation, and follow up with both NE#1 and WO#1.

Accordingly, OPA recommends this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained - Unfounded**